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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,613	10/18/2005	Noritaka Kusumoto	MAT-8702US	1982
23122	7590	04/01/2008	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980				LUONG, ALAN H
ART UNIT		PAPER NUMBER		
2623				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/553,613	KUSUMOTO, NORITAKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	ALAN LUONG	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 October 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 18 October 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/13/2006; 10/18/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

1. This is the initial Office Action based on the 10/553613 application filed on October 18, 2005. Claims 1-8, as a PCT/JP04/19659 filed on 12/21/2004, are currently pending and have been considered below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 rejected under 35 U.S.C. 102(e) as being anticipated by Axelsson et al. (US Pub. No. 2003/0005443 A1; hereinafter US'443).

**Regarding to claims 1, 4:** Axelsson teaches a picture receiver (an electronic program guide system associated with a broadcast receiver in a broadcast system; **see US'443, Abstract and ¶0012**) and a program recommending method **see US'443; ¶0015; ¶0016**) comprising: a program information accumulating means (electronic program guide EPG; **see US'443, Fig. 1 ¶0025-¶0028**) for accumulating program information ;). a viewing information obtaining means (first display generation means for generating display of the EPG in the first display area of the

associated display unit) for obtaining program information of a currently viewing program (An electronic program guide (EPG) system 1 associated with a broadcast receiver in a broadcast system is displayed in a first display area on a display unit, such as a TV set; **¶0025**);  
a program recommending means (By providing a computer program product stored on a computer readable storage medium providing for selection of a desired program from said electronic program guide (EPG); controlling a tuner of an associated broadcast receiver to tune to the selected program; generating display of the selected program in the second display area of said display unit; storing parameters identifying said selected program; providing for selection of an additional program from said electronic program guide; **see ¶0016**) for specifying a recommended program being on the air or to be put on the air (Using selecting means, such as e.g. a remote control unit (RC), selection of a new, desired program can be made from the EPG. Tuning to this desired program is affected by tuning means for controlling a tuner of the associated broadcast receiver to tune to the selected program;  
**Fig. 1, ¶0026-¶0028**) within a predetermined time in accordance with program information from the program information accumulating means (The EPG system 1 has access to timer means 6, which is activated when a program

replaces the first program displayed in the second display area 2 when entering the EPG. The timer means 6 are set to elapse in a predetermined time, preferably between 5-15 seconds; **Fig. 3, ¶0033**), program information of the currently viewing program from the viewing information obtaining means , and a predetermined recommendation standard (**Fig. 3, ¶0032-¶0036**).

a picture displaying means (a display unit; TV set) for displaying two pictures of the recommended program (An electronic program guide (EPG) is displayed area 1 on a display unit, such as a TV set, by a EPG system 1.) and the currently viewing program (The EPG system 1 includes a picture-in-picture (PIP) area, hereafter referred to as second display area 2 showing the program that was showed in full screen when the EPG was entered; **Fig. 1, ¶0025**) in accordance with information from the program recommending means (**¶0028**)

**Regarding to claims 2, 5:** Axelsson also teaches the program recommending means judges whether or not the recommended program matches the currently viewing program (The EPG system 1 has access to timer means 6, which is activated when a program replaces the first program displayed in the second display area 2 when entering the EPG; 0033), and the picture displaying means (display unit as TV set) executes two-picture display only when the program recommending means judges that the recommended program does not match the currently viewing program (Sample views of programs may be displayed

in the second display area 2 but when the timer means 6 has elapsed the first program, registered in the storage means 3, is redisplayed in the second display area 2; ¶0034)

**Regarding to claims 3-8:** Axelsson further teaches the picture receiver of claim 1 further comprising:

a user's input means (remote control) for accepting user's input (an activation button may be pressed by user), wherein the picture displaying means (TV set) shifts the mode to one-picture display (If a sample view of a desired program is displayed in the second display area 2, before the timer means 6 has elapsed, an activation button may be pressed as fifth input means, when the second display area 2 is marked 4, returning the system to full screen viewing displaying the program previously displayed in the second display area 2, and also resetting the timer means 6; ¶0035) of either the recommended program (selected program) or the currently viewing program (sample view program) in accordance with input information from the user's input means (In a first mode a sample of a program in the EPG 1 may be viewed in the second display area 2 activating the timer means 6 as described above. In a second mode the program may be viewed in the second display area 2 without activating the timer means 6. The choice between the two different modes is preferably obtained by displaying to the user of the EPG a message when a program is selected in the

EPG, which message gives two selectable choices: sample view on or sample view off, or alternatively timer on or timer off; ¶10036).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./  
Examiner, Art Unit 2623.  
Date 03/21/2008

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623